

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MERLIN MADDOX,

Plaintiff,

v.

1:13-cv-03454-WSD

UNNAMED,

Defendant.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge J. Clay Fuller's Final Report and Recommendation ("R&R"), which recommended that this action should be dismissed without prejudice for failure to obey a lawful order of the Court [3].

On October 10, 2013, Plaintiff submitted a two-page letter to the Court challenging the basis and conditions of his confinement at the Newton County Detention Facility in Covington, Georgia. On October 28, 2013, the Magistrate Judge ordered the Plaintiff to file, within 30 days, an amended complaint, and pay the filing fee or file an application for leave to proceed *in forma pauperis* ("IFP"). On December 10, 2013, the Magistrate Judge issued a Final R&R, and


recommended that this action be dismissed without prejudice because Plaintiff failed to respond to the Magistrate Judge's October 28, 2013 Order.

Local Rule 41.3 provides that the Court may dismiss a civil case for want of prosecution if a plaintiff fails to obey a lawful Order of the Court. L.R. 41.3 A.(2), N.D. Ga. Plaintiff failed to comply with the deadline set by the Magistrate Judge after being admonished that if he failed to file an amended complaint, and either pay the filing fee in full or file an IFP application by the required date, this action would be dismissed. See id. Because Plaintiff failed to obey a lawful Order of the Court, the Court finds no plain error in the Magistrate Judge's recommendation, and dismisses this action without prejudice.

Accordingly, for the foregoing reasons,

IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**, pursuant to L.R. 41.3 A.(2), N.D. Ga.

SO ORDERED this 30th day of May 2014.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE